

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2326

THIS DOCUMENT RELATES TO CASES
IDENTIFIED ON EXHIBIT A

MEMORANDUM OPINION AND ORDER

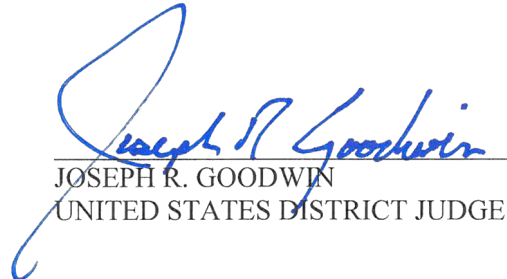
In the cases identified on Exhibit A, defendant Boston Scientific Corp. (“BSC”) filed motions to dismiss with prejudice for plaintiffs’ failure to timely produce a Plaintiff Fact Sheet as required by Pretrial Order. In the motions, BSC moves to dismiss plaintiffs’ claims against it with prejudice because plaintiffs did not produce a completed plaintiff fact sheet. Plaintiffs have not responded in any of the cases on Exhibit A.

The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the plaintiffs’ claims against BSC should be dismissed without prejudice for failure to produce a completed plaintiff fact sheet in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that BSC’s motions in the cases identified on Exhibit A are **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that BSC is dismissed without prejudice from the cases on Exhibit A. Where no defendants remain in the cases on Exhibit A, the court directs that the Clerk close the case and strike it from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party in each case on Exhibit A.

ENTER: May 28, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

<u>Case Name</u>	<u>Case Number</u>	<u>ECF Number</u>
Bartose	2:17-cv-1985	14
Dunn	2:14-cv-15078	14
Marinez	2:17-cv-02057	12
Selley	2:17-cv-2196	12
Swanson	2:13-cv-22274	14